

# FARMINGTON CITY COUNCIL MEETING

Wednesday, January 4, 2006

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## CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

**PRESENT:** Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, Mayor Elect Scott Harbertson, Council Member Elect Paula Alder and Recording Secretary Jill Hedberg.

**Mayor Connors** began discussion at 6:30 P.M. The following items were reviewed:

**Agenda Item #6: Public Hearing: Consideration of Rezone Request on 33.955 Acres west of Main Street, east of U.S. 89 and South of Cherry Hill Interchange from LR/LS and A to NMU/Request for Preliminary Development Plan Approval for the “Village at Old Farm” Planned Center Development - Gardner/Gust, LLC:** David Petersen said he received a letter of opposition from Spencer Henderson. The City Attorney was confident he could defend the City Council if they were to grant the applicant’s request. City Staff recommended that a “sunset clause” be included in the ordinance so the zoning would revert back to LR, LS and A if the developer did not meet the City’s requirements by the given date. The City Council also discussed whether the developer determined a building’s square footage from the interior or exterior wall. The developer informed City Staff that he did not want the property rezoned unless Preliminary Development Plan Approval is granted.

**Agenda Item #8: Public Hearing - Consideration of Request for PUD Designation on 22.19 Acres of AE Zoned Property located at approximately 260 South 1100 West/Request for Preliminary (PUD) Master Plan Approval for “Nord Farm Estates” - Symphony Development Corporation:** Symphony Homes requested that the ordinance include a “sunset clause”. The City Attorney informed City Staff that it would be acceptable to include a sunset clause since the PUD designation would require a conditional use permit.

**Agenda Item #7: Public Hearing: Consideration of Request for PUD Designation on R-4 Zoned Property at Southwest Corner of 200 South/200 East Intersection/Request for Preliminary (PUD) Master Plan Approval for “The Steed Place” - Todd Bradford:** Todd Bradford also requested that a sunset clause be included in the ordinance which is acceptable to City Staff and the City Attorney. The City Council discussed the changes that they felt should be made to the Planning Commission’s recommendation.

**Mayor Connors** said he wrote a letter to Tom Hannigan’s corporation regarding Serviceman Tim Boyce. The **Mayor** was informed that the information would be forwarded to the Freedom Alliance. He expressed appreciation to the Council for their contribution to the funeral services.

**REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER**

**PRESENT:** Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Recording Secretary Jill Hedberg.

**Mayor Connors** called the meeting to order at 7:00 P.M. **Sid Young** offered the invocation. The Pledge of Allegiance was led by **Boy Scout Halston** and **Boy Scout Stone** of Troop 1199.

**Mayor Connors** acknowledged the loss of Serviceman Tim Boyce. A moment of silence was held in his honor.

**APPROVAL OF MINUTES OF PREVIOUS MEETING**

**Rick Dutson** moved to approve the minutes of the December 7, 2005, City Council Meeting. **Sid Young** seconded the motion. The voting was unanimous in the affirmative.

**David Hale** moved to approve the minutes of the December 14, 2005, City Council Meeting. **Rick Dutson** seconded the motion with changes as noted. The voting was unanimous in the affirmative. **Larry Haugen** abstained due to his absence at the December 14, 2005, meeting.

**ADMINISTRATION OF OATH OF OFFICE TO MAYOR SCOTT HARBERTSON AND TO COUNCIL MEMBER PAULA ALDER - JUDGE JON MEMMOTT (Agenda Item #3)**

**Judge John Memmott** administered the Oath of Office to the newly elected officials, **Scott Harbertson, David Hale** and **Paula Alder**.

**Mayor Scott Harbertson** and **Paula Alder** took their respective places on the City Council podium.

**PRESENTATION/ACKNOWLEDGMENT OF SERVICE RENDERED BY MAYOR DAVID M. CONNORS AND COUNCIL MEMBER SUSAN HOLMES - SCOTT HARBERTSON (Agenda Item #4)**

**Mayor Harbertson** honored **Mayor Connors** and **Susan Holmes** for their service by presenting them with special plaques. **Mayor Harbertson** also honored Cori Connors with a floral arrangement for the sacrifices she has made on the City's behalf.

**Mayor Connors** and **Susan Holmes** each gave remarks expressing their appreciation for their years of service on Farmington City's behalf.

**REPORT OF PLANNING COMMISSION (Agenda Item #5)**

**David Petersen** reported proceedings of the Planning Commission meeting held December 19, 2005. He covered the following items:

- The Planning Commission recommended that the City Council add the “PUD” suffix to the underlying zone and approve the Preliminary (PUD) Master Plan for the south and north phases of the proposed Garbett Homes Farmington Crossing PUD.
- The Planning Commission elected Jim Talbot as the Planning Commission Chairman. Keith Klundt was elected as the Planning Commission Vice Chairman. Kevin Poff was selected to serve another term on the Board of Adjustment.

**PUBLIC HEARING: CONSIDERATION OF REZONE REQUEST ON 33.955 ACRES WEST OF MAIN STREET, EAST OF U.S. 89 AND SOUTH OF CHERRY HILL INTERCHANGE FROM LR, LS AND A TO NMU/REQUEST FOR PRELIMINARY DEVELOPMENT PLAN APPROVAL FOR THE “VILLAGE AT OLD FARM” PLANNED CENTER DEVELOPMENT - GARDNER/GUST, LLC (Agenda Item #6)**

**David Petersen** reviewed the materials that were included in the packet. He said the Planning Commission recommended that the City Council grant the applicant’s rezone request and Preliminary Development Plan approval. He reviewed the conditions that were included with their recommendation. He displayed an overhead map and pointed out where the different housing types would be located. The developer has not yet decided whether the commercial area will be a subdivision application or a site plan application.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to address the Council.

**David Dixon** (1047 North 400 West) said the engineering reports were completed for the proposed utility lines, grading, and drainage. The economic analysis and traffic study were also complete. They plan to keep the commercial area as one parcel. The residential area will be subdivided. The plans have been reviewed by both the City’s fire department and police department. UDOT will not make a determination regarding the access points until 14 days after the developer’s information has been submitted.

**Glen Leonard** (672 West Leonard Lane) said the developer has met the requests of the community, the City Council, and the Planning Commission. The City needs additional commercial

developments to fund the City's future growth. The Village at Old Farm will include historic components, as well as provide for the City's future.

**Carman Samuelson** (1203 West 475 South) said the citizens voted for the new incumbent elected officials so the needs of the citizens would be heard. There are hundreds of other acres planned for commercial use that will provide for small town Farmington, as well as for the City's tax base. Farmington City should not make the same mistakes that were made by Centerville City.

**Matt Poulsen** (1732 N Main) said it is important the development's access point issues be resolved. He asked that the park lanes be narrowed on the west side of the street, and that the park lanes be widened on the east side to provide safer access for the Main Street residents.

**Dorene Poulsen** (1732 North Main) said she did not approve of the committee increasing the allowed square footage in the NMU zone from the original text. She was concerned that the access points issues had still not been resolved. She asked that the traffic issues also be resolved prior to the City Council granting a rezone approval.

**Drew Neil** (1454 North 900 West) said he was concerned that the drainage was based on a 25 year storm since the 900 West residents already experience drainage problems. He was concerned there would be a negative impact from paving over the sloped area. He said that the City should review their storm drainage guidelines and consider increasing it to a 100 year storm basis which has been done by other cities.

**Carlisle Neil** (1454 North 900 West) said it was her understanding that the Planning Commission recommended that the City increase their storm guidelines to a 100-150 year basis. If there is a connection between the two developments, she would like the 900 West access closed off. She was concerned that if the zero lot line were allowed for the credit union and grocery store, it would set a precedent for other buildings in the project. She asked why the residential plan was allowed to be changed.

**Steve Anderson** (671 Somerset Street) said he was concerned about the negative impact the development would have on their community. He expressed concerns about the increased traffic, the safety of the children, the ingress and egress issues and the need for increased police and fire protection. He questioned whether the developer's tax base estimate was legitimate. He said the City should not take counsel from their fears.

**Patricia Anderson** (671 Somerset Street) said she was speaking on behalf of herself and her neighbors. They feel the development is a questionable asset. She said NMU zoning is not appropriate if a development of this size is allowed. If the current NMU zone is applied, the concerns of the surrounding neighborhoods have not been heard. A development with 175,000 square feet of retail space should be required to address all of the issues.

**Jennie Shepard** (1798 North Oakhampton Court) said she was concerned that Farmington would lose its appeal if the development is approved. She was also concerned about the safety of the children and the safety of cyclists in the area due to the traffic increase that the development would generate. She said the City should consider that if the developer decided against the project, a developer with a larger commercial use could occupy the property.

**Linda Richards** (739 Somerset) said she was strongly opposed to the NMU text because Farmington's plan would be replaced by new guidelines that have a stronger commercial component than the neighborhood mixed use plan. If the zone change is approved, the neighborhoods will no longer be protected and the concerns of the residents will not have been resolved. She asked for a response and solution from the City Council.

**Roy Rencher** (931 Wilshire Court) said the wording of the original NMU agreement has been drastically altered. He said the needs and wants of the community were not heard. He asked that the City Council hold the developer firm to the existing limitations. He also asked that the City Council eliminate the proposed roundabouts so they would not hinder the traffic flow.

**Sharon Treu** (931 West Northridge Road) said the developers original plan for a "gathering place" was replaced by commercialization, despite a petition from 450 residents. She said she represents a large number of residents who will suffer if the rezone is approved. She was concerned that the Mountain Road is already overloaded and that the grocers in the area will not be able to co-exist. She said individuals have expressed an interest in developing the land with a residential nature. She did not think the development fit the current NMU text since it does not provide a residential buffer for Main Street.

**Spencer Henderson** (1890 North Kensington) said he had thoroughly reviewed all of the City's text and the developer's text relating to the NMU zone and the development. He concluded that the proposal is in direct opposition to the City's/public planning prior to the application. He said the development is a radical departure from the City's general plan for the following reasons:

- According to the developer's financial analysis, the development contains a regional super store which is in conflict with the stated purpose of the NMU zone.
- The developer should be required to apply for a special exception for the big box.
- The developer has failed to demonstrate the ability to complete the project.

**Harv Jeppson** (1717 North Main) said the development would provide infrastructure to help resolve the road and traffic issues. He said the development meets the current NMU text and he asked that the development move forward with the needed conditions.

**Amy Hayter** (1752 Ramsgate Road) said the residents were under the impression that the NMU area would be similar to the neighborhood developments in the avenues. She said the NMU zoning would provide a political cover for the City Council since they would really be voting for a

commercial mixed use development. She asked that the City Council compare the difference between the CMU zone and the NMU zone.

**Phil Leonard** (831 Leonard Lane) said the 900 West drainage issues were a result of the State not providing proper drainage for the interchange. His attorneys were addressing the issue with UDOT. The area along the Frontage Road only appears to have wetlands because it is not properly drained. He said the development would provide funding for the police and fire departments. If the land was developed with a residential use, it would overcrowd the public schools. He asked that the City Council proceed with the development because it would be a way to use the property to the City's advantage.

### **Public Hearing Closed**

With no further comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

**Mayor Harbertson** said through the campaign process, the residents said there was a lack of communication between the citizens and the City. He said he would be available the first and third Tuesday night of the month from 7:00 - 9:00 P.M. to openly discuss the pros and cons of the issues with the citizens. He also planned to add a feature to the City's website that would allow the residents to become "subscribers" to the website.

**Sid Young** asked the City's Engineer, **Paul Hirst**, to address the storm year drainage issues.

**Paul Hirst** said the City has a 100 year storm requirement for detention basins. Given the storms during the last few years, it was in the City's best interest to increase the flow capacity from 10 to 25 year storm capacity which increased the size. He reviews subdivision approvals using the 100 year storm guideline. He said he had not yet ruled at what rate the developer would be allowed to release the storm drainage.

**Sid Young** asked **Mr. Hirst** to discuss the UDOT intersection.

**Paul Hirst** said he was not familiar with the issues between the Mr. Leonard and UDOT. He described how the area currently drains. He said he was finalizing his analysis of the drainage near the Garbett Homes development which would handle other developments as well.

**Sid Young** said the concerns of the residents were important to the Council. He said they would do their best to make sure the issues were resolved.

**Rick Dutson** asked about the architectural design of the basin.

**Paul Hirst** said the new detention basin could take a number of forms. The development's paved areas would hold a significant number of puddles. He pointed out where the basins might be located and said they would be manicured facilities. He said Central Davis Sewer District would not allow their sewer pipe to be under a detention basin.

**Larry Haugen** asked how deep the parking lot puddles would be. He was concerned that the puddles would cause automobile damage.

**Paul Hirst** said the puddles would be 12" or less.

**Rick Dutson** said it was important that the Council fully understand the issues so he was not prepared to take action on the rezone at that time. He said he was concerned about the roundabouts but wanted the best possible solution for the intersections. He asked that a thorough analysis be done to include the new developments near Fruit Heights. He said a traffic model would also be helpful to help the Council find the best solution.

**Sid Young** said he would like time to further study the traffic plan and to have his concerns addressed by the developer. He said the developer's method for determining square footage was creating more square footage than he thought should be allowed by the zone text.

**Rick Dutson** referred to the Impact Report that was submitted by the developer. He said he had a number of questions which included the retail square footage limit and the estimated total retail sales. He said he wanted an accurate estimate of the revenue that would be generated. He asked if the City had provided the estimate for the City's expenditures.

**Max Forbush** said the estimate did not come from City Staff.

**Rick Dutson** said City Staff and the City Council needed to make sure the City's costs were assessed correctly. He referred to page 10 of Mr. Springmeyer's report and asked if the building cost estimate (\$62.73/foot) took into consideration the recent increase to the cost of materials.

**Rulon Gardner** said the estimate was current and did include the price increases. He said the estimate also included impact fees.

**Rick Dutson** asked if it would be feasible to widen the park lanes on the east side of the street, as was requested by Matt Poulsen.

**Max Forbush** said he would seek the advice of the City's traffic engineers.

**Rick Dutson** asked that City Staff contact the school district regarding the possibility of busing the school children if the development is approved.

**David Hale** said most of the residents concerns were about the current NMU text. He said the City Council reviewed the original draft but did not think it addressed the issues that were set in the General Plan. The draft was reviewed by the City Council Problems Resolutions Committee, as well as several attorneys, to ensure that the text met the City's General Plan and the City's market experts. The revised text was unanimously approved by the Planning Commission and City Council. He said the NMU text was consistent with the General Plan and would provide the City with a needed commercial tax base.

**Paula Alder** said a regional superstore was not an acceptable use for the NMU zone. She did not think the developer's financial report was accurate since it suggested that the consumers would be within a 5 minute drive time of the development. She also disputed the statement that the population near the development is 28,000.

**Larry Haugen** said in order to make the right decision, the Council would need additional time to review the information.

### **Motion**

**Rick Dutson** moved that the City Council table consideration of the rezone/preliminary development plan approval request so specific questions can be resolved at a work session. **Larry Haugen** seconded the motion.

**Dave Dixon** gave the definition for a regional shopping center and for a neighborhood shopping center. He said neither the grocery store or the development would be considered "regional".

**David Petersen** said the ordinance meets the Urban Land Institute (ULI) standards for defining neighborhood shopping centers.

**Dave Dixon** said they did not prefer the roundabout over another alternative. They were relying on their engineers to determine the safest solution for the intersection. He reminded the Council that they were only requesting preliminary approval.

**Rick Dutson** suggested that questions be submitted to the developer prior to the work session.

Max Forbush suggested that the City's traffic engineers be invited to the work session; that Mr. Springmeyer's Economic Impact Study be reviewed and analyzed by the Economic Development Corporation of Utah in which the City has membership. They should be able to provide an unbiased assessment of the Springmeyer report. The City Council agreed to invite these and other experts to help answer the Council's questions at a work session on January 25, 2006, at 7:00 P.M.

The motion passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF REQUEST FOR PUD DESIGNATION ON R-4 ZONED PROPERTY AT SOUTHWEST CORNER OF 200 SOUTH/200 EAST INTERSECTION/REQUEST FOR PRELIMINARY (PUD) MASTER PLAN APPROVAL FOR “THE STEED PLACE” - TODD BRADFORD (Agenda Item #7)**

**David Petersen** reviewed the steps the applicant had taken up to this point. He said a PUD in the R-4 zone is considered a conditional use. If the applicant does not receive approval, the PUD overlay will revert back to R-4 zoning. He reviewed the Planning Commission’s recommendation. He said City Staff recommended that the marketing time line for the old Steed home be outlined in the Development Agreement.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to address the Council.

**Todd Bradford** (Draper, Utah) said they had a resolution for their biggest obstacle. He said the conditions for marketing the old Steed home would be outlined in the Development Agreement. He passed out a letter from the City Council Problems Resolutions Committee which stated that they unanimously agreed to the outcome of the two historic dwellings.

**Brent Bishop** (293 South Joy Drive) asked that the developer further explain his plans for relocating the creek. He said he was concerned about the City’s ability to enforce the CC&R’s of the PUD. He was also concerned about the safety of the school children near the main road.

**Public Hearing Closed**

With no further comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

**David Hale** said the developer was prepared to tear down the building and reconstruct a look-alike but the developer suggested, and the committee agreed, that he create a structure that could be used in other areas. The developer’s suggestion would allow for the free market enterprise to work without the City taking a persons property rights away. **Mr. Hale** recommended that the Planning Commission’s recommendation have the following alterations:

- 2d. The applicant shall relocate the historic 1852 rock building at a location acceptable to the City, *and if adjacent or contiguous to the PUD*, it be maintained in a manner acceptable to the City;

- 2.f.i. The applicant, the City, and the City's Historic Commission shall make a good faith effort to develop the parcel for residential or non-residential purposes. *The Development Agreement will spell out the conditions for the good faith effort and the options the City Council will take at that time.*

**Sid Young** said the subcommittee discussion was not easy but the best solution was found. The majority of the subcommittee members felt the old rock structure should be relocated to the City property near the stream so the structure could be properly maintained.

**David Hale** said the City property would be a good location for the structure since it would also be accessible to the public.

**Larry Haugen** said the museum representatives would like the old rock structure moved to the museum property since the museum houses artifacts from the old home. It could also be easily maintained at that location.

**David Petersen** suggested that the City Council's motion not state that the applicant will be responsible to maintain the old rock structure.

**David Hale** said the developer suggested that the Home Owner Association maintain the old structure if it is relocated near the development.

**Paula Alder** referred to item (2c) of the Planning Commission recommendation. She asked why it was necessary to include a generous mix of housing types since it is a development for people who are at least 55 years old.

**David Petersen** said the mix of housing types would visually enhance the development. The master bedroom and main living area would be on the main level of both housing types.

### **Motion**

**Sid Young** moved that the City Council adopt ORDINANCE NO. 2006-01, AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 200 SOUTH AND 200 EAST FROM R-4 TO R-4(PUD). **Rick Dutson** seconded the motion which passed by unanimous vote.

### **Motion**

**David Hale** moved that the City Council grant preliminary (PUD) master plan approval for The Steed Place subject to the following conditions:

1. The applicant shall enter into a development agreement with the City to include, among other things:
  - a. ***The interior road shall be a public road. It is undecided whether the road will be maintained by the HOA;***
  - b. A maintenance plan for the common area;
  - c. The PUD shall contain a generous mix of housing types (i.e. one story, two story homes) mutually acceptable to the City and the Developer;
  - d. ***The applicant shall relocate the historic 1852 rock building at a location acceptable to the City; and if adjacent to or contiguous to the PUD, it will be maintained in a manner acceptable to the City;***
  - e. The cross-hatched parcel located in the southeast corner of the preliminary plat/preliminary PUD master plan shall be identified as “Parcel A” on the final plat for the project;
  - f. Regarding the cross-hatched parcel or Parcel “A” the agreement shall provide for the following:
    - i. ***The applicant, the City, and the City’s Historic Commission shall make a good faith effort to develop the parcel for residential or non-residential purposes. The Development Agreement will spell out the conditions for the good faith effort and the options the City Council will take at that time.***
    - ii. If a non-residential use is successfully attracted to the site, the City will consider rezoning the property within reason and if necessary to accommodate such use. Furthermore, access to such use must be obtained from 200 East and not the interior road providing access to the residential portion of the project.
    - iii. During the aforementioned time period, the sale price of the parcel shall not exceed the appraised value of an improved lot (or land), excluding buildings.
    - iv. Any sale of the parcel shall be subject to certain covenants that the property will be developed consistent with the appearance and quality of the adjacent PUD.

2. The applicant must provide the following on or with the preliminary PUD master plan:
  - a. A development schedule indicating the approximate date when construction of the Planned Unit Development or stages of the Planned Unit Development can be expected to begin and be completed.
  - b. A tabulation of the following: total number, by type, of dwelling units; total acreage of the site plan and the percentages thereof to be designated for various uses, i.e., parking, open space, streets, residential, etc.; gross and net dwelling unit densities and an estimate of the project population; proposed lot coverage ratio of buildings and structures.
  - c. A landscaping plan indicating the general type, location and treatment of shrubs, ground covers and plant materials used for private and common open spaces and a preliminary layout of the sprinkling system. The retention of healthy existing trees and other vegetation is strongly encouraged.
  - d. The proposed treatment of the perimeter of the Planned Unit Development, including materials and techniques used such as berms, planting screens, fences, and walls.
  - e. Location of any proposed signs.
3. The applicant must provide the following on or with the preliminary plat:
  - a. Width of adjacent streets.
  - b. The location of all isolated trees worthy of preservation with a trunk diameter of four (4) inches or greater, within the boundaries of the subdivision, and the outlines of groves or orchards.
  - c. The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale;
  - d. Preliminary location pressurized irrigation lines.
4. Applicant shall provide the City written verification from Davis County Flood Control that no stream alteration permit is necessary from the State to alter the water course adjacent to the south boundary of the project.

5. The sidewalk issue (i.e. whether to provide sidewalk on one side of the private interior road within the property, both sides, or no sidewalk at all) must be resolved concurrently with the City Council's consideration of the preliminary plat and Preliminary (PUD) Master Plan for the project.
6. The CCR's for the project must provide for snow removal of the sidewalk on 200 East and 200 South and other maintenance responsibilities.
7. The gate and the pedestrian access connecting the site to Woodland Park shall not have a sign intended to restrict use of the pathway for residences only.

Consideration of the preliminary development plan (or the Preliminary (PUD) Master Plan) and the "PUD" designation by the City Council shall be done in accordance with the standards set forth in Chapters 6 and 27 of the Zoning Ordinance.

**Sid Young** seconded the motion which passed by unanimous vote.

**PUBLIC HEARING: CONSIDERATION OF REQUEST FOR PUD DESIGNATION ON 22.19 ACRES OF AE ZONED PROPERTY LOCATED AT APPROXIMATELY 260 SOUTH 1100 WEST/REQUEST FOR PRELIMINARY (PUD) MASTER PLAN APPROVAL FOR "NORD FARM ESTATES" (CHESTNUT FARMS) - SYMPHONY DEVELOPMENT CORPORATION (Agenda Item #8)**

**David Petersen** displayed an overhead of the proposed development. He said the developer would loop the water line. If the Planning Commission does not grant the applicant a conditional use permit, the property will revert back to its original zone.

**David Hale** asked if a response had been received from the Army Corp of Engineers.

**David Petersen** said the information had not yet been received.

**Public Hearing**

**Mayor Harbertson** opened the meeting to a public hearing and invited the applicant to address the Council.

**Tony Coombs** (33 South Shadowbreeze Road, Kaysville) said the property delineation was submitted to the Army Corp. The Johnson property was wet but it is not part of the public hearing discussion. He said the City would like the area used for a regional storm water detention basin. Symphony Homes would like to utilize the wetlands as the detention basin. He submitted a letter to **David Petersen** from their wetlands consultant, Dennis Wenger, which stated the findings of his wetlands delineation study. The house prices will range from \$450,000 - \$600,000.

**David Hale** asked if the amenities would be based on the success of the development.

**Tony Coombs** said the pool would be included in the development regardless of the sales progress.

**Public Hearing Closed**

With no further comments, **Mayor Harbertson** closed the public hearing and asked the City Council for their consideration.

**Paula Alder** asked if Randy Klein's concerns about the trail had been resolved.

**David Petersen** said the trail was now included in the plan.

**Mayor Harbertson** asked if it would be acceptable for the homes to have basements.

**Tony Coombs** said according to the results of their soil test, the watertable starts between 4-8 feet. Their house plans would only be 30" into the ground. **Leland Meyers** has allowed the developer to lower the sewer so the roads will not have to be raised as high. Their homes will be 3-4 feet out of the ground. They also plan to install a subdrain.

**Rick Dutson** asked if the developer would be required to maintain the detention basin area in the same manner that they would be required to maintain the open space areas, as per condition #10 of the Planning Commission recommendation.

**Tony Coombs** said they would plant grass and maintain the detention basin area.

**Sid Young** said it is important for the road to the west to 1525 West Street be constructed. He asked if Mr. Wenger had given his opinion regarding the feasibility of constructing a road through the wetland area.

**Tony Coombs** said it would be more likely for the road to be approved if the Army Corp. knew that the City wanted the road connection.

**David Hale** said the City would help the applicant demonstrate that the road is needed for traffic issues, as well as to provide a loop of the culinary water line.

**Sid Young** said he was not initially in favor of the development but knew it would provide a significant benefit to the area.

**David Petersen** said the development would connect 475 South Street and 1525 West Street.

**Motion**

**David Hale** moved that the City Council adopt ORDINANCE NO. 2006-02, AN ORDINANCE AMENDING THE ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 260 SOUTH 1100 WEST FROM AE TO AE (PUD). The Ordinance shall state that the AE (PUD) will revert back to its original zone if the development is not completed. **Larry Haugen** seconded the motion which passed by unanimous vote.

**Motion**

**Rick Dutson** moved that the City Council approve the preliminary (PUD) master plan for Chestnut Farm Estates subject to the following conditions:

1. The developer shall comply with all conditions of schematic plan approval.
2. If the applicant is able to develop future phases of Nord Farm Estates (or Chestnut Estates) on adjacent property south and west of the site, the applicant must provide a road connecting to 1525 West (if approved by the U.S. Army Corp) and a road connection south to 475 South Street, loop culinary water lines to both streets as approved by the City Engineer, and provide a regional detention on said property. Developer shall receive credit and/or reimbursement for the detention basin for appropriate system related costs.
3. Developer shall enter into a development agreement with the City concurrent with or prior to final plat approval for the project, or if the project is developed in phases, the first final plat of the first phase of the project. The approval is also subject to the agreement approved by the City Council on October 5, 2005.
4. All public improvements for the development, including the off-site sewer line, grading and drainage plan, and a SWPPP, must be approved by the City Engineer, Planning Department, Public Works Department, Fire Department, CDSO, and Weber Basin Conservancy District. The City must receive a letter from CDSO acknowledging their approval of the Plans in writing.
5. The local interior streets shall be 55 feet in width and the street section shall be updated to meet City standards.
6. The developer shall dedicate an additional 7 feet of right-of-way adjacent to 1100 West Street and shall improve the west side of the street consistent with the City's standard for 80 foot wide right-of-way or major collector, including sidewalk.

7. The preliminary plan shall show contours, at one (1) foot intervals, for predominant ground slopes within the subdivision between level and five percent (5%), and two (2) foot contours for predominant ground slopes within the subdivision over five percent (5%).
8. The applicant must provide a soil report, based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the State of Utah.
9. The applicant must prepare an ownership, landscaping, and maintenance plan (including street trees) for the open space areas and the detention basin.
10. If there are any issues regarding wetlands, these must be resolved with the U.S. Army Corp of Engineers.

**Sid Young** seconded the motion which passed by unanimous vote.

**REQUEST FOR FINAL PLAT APPROVAL ON PHASE II OF HIDDEN MEADOWS  
SUBDIVISION/CONSIDERATION OF APPROVAL OF RELATED DEVELOPMENT  
AGREEMENT - CHRIS MARTINEAU (Agenda Item #9)**

**David Petersen** displayed the Vicinity Map for the development. The developer said he would not be able to deed the property referred to in Recital E and 4.a.iii. because he is not the property owner. The developer would be able to provide an easement for public access and utilities. A copy of the easement was submitted to the City Attorney but a response had not yet been received. Both paragraphs should read “easement” rather than “public right-of-way”. He said the easement would be easier to relocate than a dedicated right-of-way. **Mr. Petersen** also showed where the fault line was located on the property.

**Max Forbush** said the adjacent property owner was likely unwilling to dedicate the right-of-way because of an unfavorable experience (from his point of view) he had when he previously dedicated a right-of-way to the City.

City Staff said they would accept an easement so long as it was for public vehicular access and utilities, and so long as it is approved by the City Attorney.

**Motion**

**David Hale** moved that the City Council grant final approval of Phase II of Hidden Meadow Subdivision subject to the following conditions:

1. The applicant shall comply with all conditions of preliminary plat approval.

2. Address any items identified as issues by the City Engineer, fire department, public works department, Planning Department or other entities that provide a plat review. In addition to the aforementioned entities, the improvement drawings, including the grading and drainage plan, must also be reviewed and approved by CDS and F.A.P.I.D.
3. All recommendations of the geotechnical study are followed when houses are constructed.
4. Structural road base that meets City standards shall be provided on 1300 North Street which shall be dedicated to the City for secondary access.
5. A UPDES Permit is issued by the State and the City is provided with a copy of the Storm Water Pollution Prevention Plan that meets all State requirements.
6. The Developer shall enter into an agreement to address, among other things, the dedication, timing, and construction for the road leading south from the development to Main Street.
7. The 14% road slope must be approved by the City Council.

**Paula Alder** seconded the motion which passed by a unanimous roll call vote.

### **Motion**

**David Hale** moved that the City Council approve the Development Agreement for the Hidden Meadows Subdivision, Phase II with the following changes:

- 4.a.iii. The Developer shall without cost deed to the City, or caused to be deeded to the City, a 55 foot wide parcel for a Public Access/Utility/Vehicular Easement extending 1300 North Street from Hidden Meadow Way in a northeasterly direction connecting to Cherry Blossom Drive in a form acceptable to the City (the "Access Road"). Developer shall improve and maintain the Access Road as follows:....

The easement shall be attached to the Development Agreement as an Exhibit that is acceptable to the City Staff and City Attorney.

The City Council authorizes **Mayor Scott Harbertson** to sign the Agreement once it has been approved by the City Attorney. **Larry Haugen** seconded the motion which passed by a unanimous roll call vote.

**TODD AND MINDY ADAMS' APPEAL OF STAFF'S DETERMINATION OF KIM DUNN'S REQUIREMENTS TO COMPLETE PUBLIC IMPROVEMENTS ON DEER HOLLOW RUN PUD (Agenda Item #10)**

**Max Forbush** said City Staff based their decision in accordance to (1) the City's definition of a drive approach, (2) the Developer meeting the terms set forth in the official plans. He reminded the City Council of the information he gave Todd and Mindy Adams through email exchanges. He said the sidewalk was moved against the curb and gutter at the direction of the City's Public Works Department in order to mitigate the adverse grade getting into the south driveway of the duplex from the street. The developer did pour a 6" thick section of sidewalk fronting each driveway. Normally, the City staff interprets a thickened sidewalk as a drive approach. If the sidewalk would have been placed at the far east edge of the street right of way as specified in the plans (providing for a park or grass strip), the under carriage or rear bumper of vehicles would have likely scraped against the asphalt or curb driving into the driveway. He said prior to the improvements, the duplex did not have access from a dedicated public street. He believes it is the Adams' responsibility to provide the improvements to the sidewalk.

**Mindy Adams** (242 North 200 East) said they are pleased with the development but it was their understanding that the developer would be responsible for everything, including the driveway extension. She did not think it should be their financial responsibility to replace something that was removed.

**Mayor Harbertson** said if the original site plan were followed, the concrete would have been extended to the property line which would have made for a steep entrance to the property. He said although the original plan was altered, the City met their obligation.

**David Hale** asked if the development provided benefits for the property.

**Mindy Adams** said although they were forced to live in dirt for two years, the development was a benefit to them. She said an 8' wide and 13' wide area of dirt between the sidewalk and their driveway still exists.

**Max Forbush** said it is the developer's opinion that he installed curb, gutter and sidewalk. The sidewalk was relocated to accommodate the grade so he does not think he should be responsible to pay for the additional area of driveway extension.

**Mindy Adams** said it may have been a mis-communication, but the developer led them to believe the improvements would be taken care of. Their property line is the cement driveway so the 4' gap is on public right-of-way, not on their property.

**David Petersen** said there is an additional 5' beyond the gap to their driveway. He said it may be a survey issue, but he did not think the gap was public right-of-way.

**Max Forbush** said the improvements were done according to the size of the street. More than likely, the property line was surveyed and should be 8' back of the curb. The decision was based on the City's ordinance and the drawings.

**David Petersen** then reminded everyone that the standard width of a parking strip in a 55' street right of way is 7 ½ feet.

**Max Forbush** corrected himself by acknowledging that under a 55 foot street right-of-way, the park strip is not 4 feet but is 7 ½ feet as David stated. He reviewed the City Council's possible alternatives:

1. Uphold City Staff's recommendation.
2. Require the developer to install a driveway extension from the sidewalk to the edge of the right-of-way line.
3. Require the developer to connect the existing driveway westerly to the concrete sidewalk.
4. Encourage the developer to split the improvement costs of the driveway extension in #3 above with the Adams.

**Mindy Adams** said the zoning ordinance states that the proposed PUD will not cause a detriment to the adjacent properties.

The City Council conceptually agreed to have City Staff encourage the developer to equally split the cost for the entire distance from the sidewalk to the existing driveway with the property owner. If this arrangement isn't acceptable to the property owner, the City Council upholds City Staff's determination that the developer performed his share of the improvements.

**C.R. ESTATES PLAT AMENDMENT REQUEST - J.R. WARNER (Agenda Item #11)**

**David Petersen** reviewed the findings from the Planning Commission meeting. The City had since found that a Bureau of Reclamation (BOR) easement exists on the property. City Staff is not certain whether it is possible for an easement to be placed over an easement. The City Attorney had not yet given input regarding the easement issue.

**Sid Young** said if both of the easements were not exclusive, it should be possible to place an additional easement.

**J.R. Warner** said his surveyor also said it was possible to place an easement over an easement.

**Max Forbush** gave an example in west Farmington where an easement was placed over an

easement. The opinion of the City Attorney should be received.

**Paula Alder** asked why the property was not subdivided in the past.

**J.R. Warner** said he did not subdivide the property in order to allow the Days to close on their home. He said the lots would be 3/4 acre and the front corner would be filled.

**Paula Alder** asked Mr. Day to comment on his understanding of why the property was not subdivided in the past.

**Jeff Day** said he when he bought the property, the whole piece was 2.8 acres. **J.R. Warner** was told by the City that he would not be able to divide the three lots because it would be less than three acres. The applicant then added .4 acres to Mr. Day's property. It was his original plan to grant an easement to provide access for the adjacent property owner. He said he was never told about the property being divided. He was against the lot split because of the possibility of a home being placed on the rear of the property.

**Mayor Harbertson** said if the lot split does not occur, there is the possibility that the Days will be looking into the future homeowner's property.

**J.R. Warner** submitted a landscaping plan which included the trees along the two lots.

**Max Forbush** said City Staff recommended granting the open space waiver in exchange for the property owner providing an easement for the storm drainage along the creek channel, providing two-inch caliber trees along the two property lines, and entering into an Extension Agreement. **Mr. Forbush** recommended that an escrow account be created, prior to recordation, to pay for the applicant's appropriate share of construction of half of the asphalt street and for the full cost of curb, gutter sidewalk. He said an Extension Agreement would not be appropriate because the road improvements are eminent. The individuals purchasing the lots should be aware of their costs for the road.

**David Petersen** said a portion of the cost of the road would be "system improvement" as defined in the street impact fee ordinance. An Extension Agreement existed for the curb, gutter and sidewalks and asphalt extension.

**J.R. Warner** said the other property owners were only bound by Extension Agreements. He asked to be able to include the escrow agreement in the contract with the potential buyers.

**Scott Harbertson** said money should be placed in an escrow account at recordation. The developer could build the costs into the price of the lots.

**Max Forbush** suggested that the Extension Agreement state that when the lots are sold, the

City will receive the escrow money for the improvements, which will be estimated at 120% of estimated construction costs.

**Motion**

**David Hale** moved that the City Council adopt ORDINANCE NO. 2006 -05 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER AN ORDER VACATING AND AMENDING LOT 2 OF THE CR ESTATES SUBDIVISION AND DIRECTING THAT THE SAME BE RECORDED WITH THE DAVIS COUNTY RECORDER'S OFFICE subject to the following conditions:

1. The recordation and vacation of lots shall not be recorded unless there is an acceptable Extension Agreement and/or Escrow Agreement to guarantee the construction improvements as discussed.
2. A bond must be placed with the City for the 2" caliper trees.
3. The applicant must provide the City with an acceptable access easement running parallel with the stream channel.

If the City Attorney does not approve of the easement, the applicant is responsible to find a solution that is acceptable to the City. **Larry Haugen** seconded the motion.

The City Council discussed whether there was sufficient justification to grant the waiver. In addition to the applicant offering the trees and an easement, the property owners would have help funding the road improvements.

**David Petersen** said the easement would allow the City access to maintain the creek channel. The existing easement belongs to the Federal government so it can not be used by the City.

**Paula Alder** said she was concerned that a precedent would be set if the City Council were to allow lots that were less than 1 acre in size.

**J.R. Warner's Business Partner** said all of the requirements for the open space waiver had been met. They would be willing to provide the open space but the City would be responsible to maintain it.

The motion passed by a 4-0 vote. **Paula Alder** abstained since she was not familiar with the history of the request or with the open space waiver requirements.

**MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #12)**

**Rick Dutson** moved that the City Council approve the following items by consent as follows:

- 12-1. Ratification of Construction Bond Agreements previously approved by Mayor Connors.
- 12-2. Approval of Public Improvements Escrow Bond Agreement with Bell Transfers, LC.
- 12-3. Approval of Davis County Animal Control Agreement.

**Larry Haugen** seconded the motion, which passed by unanimous vote.

**ORDINANCE LIFTING DEVELOPMENT MORATORIUM IN CMU AREA - DAVID PETERSEN (Agenda Item #13)**

**David Petersen** said the Ordinance could not be approved at the last meeting since there had not been a sufficient time lapse. He said the Ordinance was prepared by the City Attorney.

**David Hale** asked if City Staff had informed the property owners that the City encourages the Richmond Homes Development in the rezoned area.

A Richmond American Homes representative said they were aware of the City's position.

**Motion**

**David Hale** moved that the City Council adopt ORDINANCE NO.2006-03, AN ORDINANCE REPEALING ORDINANCE NO. 2005-39 OF THE FARMINGTON CITY COUNCIL. **Rick Dutson** seconded the motion which passed by unanimous vote.

**RESOLUTION SETTING FORTH SNOW REMOVAL POLICIES ON CITY TRAILS (1<sup>ST</sup> READING) - MAX FORBUSH (Agenda Item #14)**

**Scott Harbertson** passed out Exhibit A which indicated which trails should be provided snow removal.

**Max Forbush** referred to Section 1 of the Resolution which states the City would provide snow removal services on those trails that serve as access routes to public schools will receive snow removal.

**Motion**

**Sid Young** moved that the City Council adopt RESOLUTION NO. 2006-04, A RESOLUTION OF THE FARMINGTON CITY COUNCIL ESTABLISHING A RISK MANAGEMENT POLICY RELATING TO SNOW REMOVAL ON PUBLIC TRAILS. **Rick Dutson** seconded the motion which passed by a 4-0 vote. **Paula Alder** was not in the Council Room so she did not participate in the vote.

The City Council authorized the City Manager to determine if there was language for signage on those trails where no snow removal would occur that was more appropriate than what was recommended by URMMA.

**APPOINTMENT OF COMMITTEE/COMMISSION CHAIR PERSONS (DISCUSSION ONLY) (Agenda Item #15)**

The City Council discussed whether the Planning Commission Chair should be appointed by the Mayor with the consent of the City Council, or whether they should be able to choose their own Chair, as is the present practice.

**Max Forbush** informed the Council that a survey of seven municipalities revealed that the planning commissions in the majority of the cities select their own chairpersons. Salt Lake City's Planning Commission Chair is appointed by the Mayor.

**Sid Young** recommended that the Planning Commission select their Chairperson since synergy in the group may exist. It is the responsibility of the City Council to properly train the Chairperson.

**Motion**

**Rick Dutson** moved that the City Council ratify the Planning Commission's Chair selection, as is stated in the existing City Ordinance. **Sid Young** seconded the motion which passed by unanimous vote.

The City Council discussed the appointments for other City committees, boards, and commissions. Suggestions were given for the Chair position, such as a one year term limit or a yearly vote with a two year term limit unless approved by the City Council.

The City Council requested that the City Manager research the by-laws of the various City Committees and seek the advice of the City Attorney. He is to return with options.

**LEGACY HIGHWAY DISCUSSIONS - MAYOR SCOTT HARBERTSON (Agenda Item #16)**

**Scott Harbertson** said the Legacy Highway would be done in three phases and was scheduled to be completed by October, 2008. He referred to a letter to John Thomas from Mayor Connors which stated the City would willingly eliminate the roundabout at 650 West State from the Legacy Parkway Project. The letter expressed Farmington City's need to make sure the State Street bridge replacement occurs in such a manner so as to enable the future construction of an at-grade intersection at 400 West State. The letter also stated the importance of the Legacy Parkway trail extensions and an accommodation of allowing the use of the "sheep road" to Parish Lane in Centerville from Glover's Lane in Farmington. The connection to Centerville City would require the approval of Centerville City and the Davis County Commissioners.

**Max Forbush** explained the "sheep road" proposal is possible because Legacy Highway will be built over Parish Lane, rather than under it. West Farmington residents could take the "sheep road" to Parish Lane where they could access either I-15 or Legacy Highway.

**Sid Young** stated he was in favor of the sheep road proposal from Glover Lane. It would be a route for West Farmington residents which would help eliminate traffic in other areas of the City.

**Mayor Harbertson** asked how the west State Street residents should be informed of the City's intent.

The City Council agreed to have the City Manager send a letter to the West State Street residents informing them that the State will not include the at-grade intersection and that the use of the jug handle is not an option. The most favorable alternative is Alternative 1 but a decision has not yet been made.

**Mayor Harbertson** suggested that a letter request be sent to the Meachams for an option on the sale of their home.

**"DRAFT" LETTER TO PROPERTY OWNERS PERTAINING TO "ROAD TO THE NORTH" (Agenda Item #17)**

**Mayor Harbertson** suggested that a letter be sent advising property owners on the list that the "Road to the North" will be a benefit to them. The letter would include a copy of the conceptual alignment.

The City Council conceptually approved of the mailing list, letter and attachment.

**CITY COUNCIL RETREAT PLANNING ACTIVITIES (Agenda Item #18)**

**Mayor Harbertson** asked for a City Council member to help plan the City Council Retreat. **Sid Young** suggested that the meeting be held at the Davis Conference Center which would eliminate the expense of an overnight room.

**Rick Dutson** suggested that the Retreat be held at the Community Center.

**Sid Young** volunteered to help plan the City Council Retreat.

**Max Forbush** asked that the City Council members return the surveys by January 15, 2006.

### **ELECTION OF MAYOR PRO TEM (Agenda Item #19)**

**Mayor Harbertson** said according to State law and the municipal code, the governing body should elect the Mayor Pro Tem. In the past, the Mayor Pro Tem was appointed and then ratified by the City Council. He asked for nominations and a vote.

**Paula Alder** nominated **Rick Dutson**.

**Sid Young** nominated **David Hale**.

**David Hale** said he planned not to be “sworn in” as a member of the F.A.P.I.D. Board since FAPID questioned the ability for him to serve both on the City Council and the FAPID Board. The County Attorney, Attorney General and Lieutenant Governor all said he could serve but the City Attorney recommended that he not take the FAPID Oath of Office since the State statutes are ambiguous. He said he would love to serve as the Mayor Pro Tem and would work where he is needed.

**Rick Dutson** said he would be available to serve due to his business situation and he does not have a special agenda.

**Mayor Harbertson** suggested that the Council consider that the term of Mayor Pro tem would end in two years (January 2008).

The City Council submitted ballots to the City Recorder. **Rick Dutson** was voted to be the Mayor Pro Tem.

### **MEETING DATE FOR JOINT PLANNING COMMISSION, CITY COUNCIL, HISTORIC PRESERVATION AND TRAILS COMMITTEE MEETING (Agenda Item #20)**

**Mayor Harbertson** said City Staff recommended that the City Attorney head be asked to provide legal background information related to the Governing Body and the role of advisory

committees.

**Max Forbush** said it was his impression and direction from the previous discussion with the Governing Body that the purpose of the meeting would be to set ground rules for the committees since they are both advisory committees to the Planning Commission and the City Council. He shared Council Member Hale's suggestion that the process that was followed with "The Steed Place" should be the model for future discussions including developers and the Historic Preservation Commission when historic properties were under discussion. The City needs to value property rights, as well as historic preservation values.

The City Council agreed with the purpose of the meeting and set Thursday, January 26, 2006, at 5:00 P.M. as the time of the meeting.

### **MISCELLANEOUS**

**Mayor Harbertson** said he planned to allow **Larry Haugen** to continue serving on the Administrative Control Board, as was requested by Wasatch Integrated Waste Management District.

**David Hale** said the Somerset residents requested snow plow services and to ask the City to consider paying the cost of electrical service for the Association's ornamental lighting. Discussion of the Association's maintenance of drainage swales also occurred.

**Max Forbush** said easements would be needed from the Association for the City to maintain the storm water detention basins. He said he would research the electrical costs and would schedule the item on the agenda for a future City Council meeting.

**David Hale** said the residents agreed to an easement for the detention basins. They decided to continue their street lighting maintenance so they would not be required to put in the decorative street lights that are currently used by the City. City decorative lights are substantially more expensive.

The City Council discussed the potential candidates for the two Board of Adjustment positions. Candidates included Mr. Redd, Mr. Hardy, Mr. Gallagher, Mr. Williams, and Mr. Hayward. **David Hale** volunteered to assist the Mayor with the BOA interviews.

The City Council agreed to hold a luncheon to meet with the legislators, as requested by the Leagues of Cities and Towns, on January 11, 2006, at 1:00 P.M.

**Max Forbush** informed the Council Members that only County Council members would be needed at the Wasatch Front Regional Council meeting scheduled with legislators.

**David Hale** and **Larry Haugen** volunteered to attend the Elks Club presentation on January 10, 2006, to honor **Mayor Connors** as Farmington's "Citizen of the Year".

The City Council discussed whether a marketing expert should be hired to market Farmington, as recommended by Rich Haws. Previously the City Council didn't think the City should incur such a high expense. Max Forbush suggested EDCU's opinion ought to be sought again given the small area to be developed in the Station Park area and the area to the north.

**Rick Dutson** said Mr. Haws, Mr. Springmeyer, and EDCU suggested that the marketing expert and materials be financed by the developers. **Mr. Dutson** felt the major brokerages should be aware of Farmington's developments.

### **CLOSED SESSION**

At 12:30 p.m. a motion was made by Sid Young to go into closed session to discuss matters pertaining to the acquisition of real property. The motion was seconded by Rick Dutson.

At 12:40 p.m. a motion to convene again in open session was made by Larry Haugen and seconded by David Hale.

### **ADJOURNMENT**

There being no further business to come before the Council, a motion to adjourn was made by David Hale at 12:40 p.m.

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Margy Lomax, City Recorder  
Farmington City